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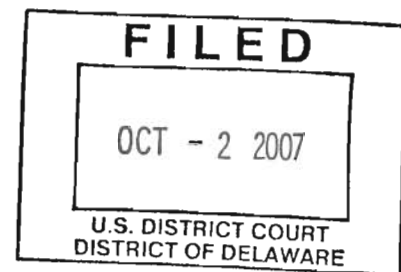
MARK E. CEDRONE  
ADMITTED IN PENNSYLVANIA  
mcedrone@cedronejanove.com

October 2, 2007

*Via Facsimile*

The Honorable Gregory M. Sleet  
Chief Judge  
United States District Court  
In and For the District of Delaware  
The J. Caleb Boggs Federal Building  
844 N. King Street, Room 4324  
Lock Box 19  
Wilmington, DE 19801

Re: *United States v. Andrew Yao*  
Criminal Action, No. 06-27-GMS



Dear Judge Sleet:

I, and attorney Brian McMonagle, represent Andrew Yao, the defendant in the above-captioned matter in which sentencing is currently scheduled for Monday, October 22, 2007. I write today, at the suggestion of your Courtroom Deputy, April Walker, with whom I spoke yesterday, and with the consent of Assistant United States Attorney Shannon Hanson, to request that Mr. Yao's sentencing be continued for at least one week.

I make this request because of a longstanding competing professional commitment. Specifically, I represent the defendant in the matter of *United States v. John Carter*, Criminal No. 07-295 (E.D.Pa.) in which sentencing is also scheduled for Monday, October 22 and has been so scheduled since July 31, 2007. (Attached hereto as Exhibit "A" is a copy of the E.D. Pa. Court's July 31, 2007 Notice scheduling sentencing in *United States v. Carter* for October 22, 2007.)

The *Carter* matter is a complicated fraud case. There are many outstanding issues to be litigated including fraud loss calculation and specific offense adjustments. That matter is further complicated because Mr. Carter, and some prospective witnesses, hail from Massachusetts or other New England venues. Because of my preparatory and appearance commitments in *United States v. Carter*, I can neither be prepared for, nor appear at, Mr. Yao's sentencing, as currently scheduled. Although I am not Mr. Yao's only counsel,<sup>1</sup> I have been pulling the laboring oar with respect to some of the sentencing issues. I have consulted with Assistant United States Attorney Shannon Hanson concerning this request. Ms. Hanson has advised me that the government consents to the requested continuance.

<sup>1</sup> As you know, at trial attorney Brian McMonagle represented Mr. Yao.

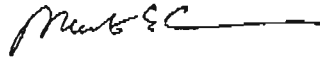
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The Honorable Gregory M. Sleet  
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Page 2

For all these reasons, I request a continuance of at least one week.<sup>2</sup> Once I dispatch my obligations in *United States v. Carter*, I can then prepare a Sentencing Memorandum in this case and submit it to Your Honor several days in advance of sentencing.

I hope the informality of this request does not offend the Court. If it does, I apologize. Finally, I thank the Court in advance for whatever consideration it may give to this request.

Respectfully



MEC/ctm

Mark E. Cedrone

cc: Assistant United States Attorney Shannon Hanson (*Via Facsimile*)  
Walter P. Matthews (*Via Facsimile*)  
Andrew Yao (*Via E-mail*)  
Brian McMonagle, Esquire (*Via Facsimile and E-mail*)

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<sup>2</sup> Personally I prefer a continuance of slightly more than one week. I should inform the Court, however, that the government does not want to defer this matter too long.

**EXHIBIT "A"**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	Date of
	:	Notice: July 31, 2007
vs.	:	
	:	
JOHN S. CARTER	:	Criminal No. 07-295
74 Grand Island Drive		
Osserville, MA 02655		

REVISED NOTICE

**TAKE NOTICE** that the above-entitled case has been set for sentencing in the United States District Court, United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania, on Monday, October 22, 2007 at 2:00 p.m. before the Honorable R. Barclay Surrick. In Courtroom 8-A, 8th Floor.

ALL DEFENDANTS ARE DIRECTED TO REPORT TO THE COURTROOM ON THE DATE AND TIME STATED ABOVE. IF A DEFENDANT FAILS TO APPEAR AS DIRECTED, THE BAIL MAY BE FORFEITED AND A BENCH WARRANT ISSUED.

Counsel shall file any Sentencing Memorandum or Change of Plea Memorandum **three (3)** days prior to the scheduled proceeding. Please fax a copy of the memorandum to the undersigned.

Very truly yours,

/s/ *Michael Finney*  
Deputy Clerk to Judge R. Barclay Surrick  
267-299-7639 (Office)  
267-299-7638 (Fax)  
Notice to:  
Defendant  
M. Cedrone, Defense Counsel  
J. Pease, AUSA (via email)  
U.S. Marshal (via email)  
Probation Office (via email)  
Pretrial Services (via email)  
L. Bowman (via email)

**INTERPRETER REQUIRED**  
**[X] THIS PROCEEDING HAS BEEN RESCHEDULED FROM 9/4/2007**

## CEDRONE & JANOVE

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### FAX COVER SHEET

From: Mark E. Cedrone

October 2, 2007

File: *United States v. Andrew Yao*  
Criminal Action, No. 06-27-GMS

RECIPIENTS	TELEPHONE	TELEFAX
The Honorable Gregory M. Sleet		(302) 573-6472
AUSA Shannon Thee Hanson	(302) 573-6277	(302) 573-6220
Brian McMonagle	(215) 981-0999	(215) 981-0977
Probation Officer Walter Matthews	(302) 252-2950	(302) 573-6658

Pages: 3 (including cover).

Original will not follow ☐; or Original will follow ☐ via regular mail ☐ other ☐.

If you do not receive all the pages, please call: Cathy at 215-925-2500

### ATTENTION

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